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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,291	11/14/2003	Gary P. Hintermeier	42P17663	2133

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EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2618

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,291

Applicant(s)

HINTERMEIER ET AL.

Examiner

Duc M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 13-23, 27-29 and 31-39 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-12, 24-26 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 4/19/06. Claims 1-39 are now pending in the present application.

Election/Restrictions

1. Applicant's election without traverse of claims 1-39 in the reply filed on 4/19/06 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-3, 7-9, 13-15, 17-19, 21-23, 27-29, 32-34, 36-37** are rejected under 35 U.S.C. 102(e) as being anticipated by **Inukai** (US Pat. Number **6,961,579**).

Regarding claims **1, 3**, **Inukai** discloses a method for detecting the presence of a portable radio device within range of a radio frequency communications link (see col. 8, lines 19-22), comprising:

- broadcasting a query command using the radio communications link (see col. 6, lines 1-4); and

- receiving an identification message from the portable radio device over the radio communications link (see col. 8, lines 19-22 regarding process end notification);

- sending a command to the portable radio device using the radio frequency communications link to change an internal setting of the portable radio device, wherein sending comprises sending the command including the identification (see col. 8, line 63 – col. 9, line 5).

Regarding claim **2**, **Inukai** discloses the internal setting comprises at least one of a text message, an audio message, a video message, power down, ringer off, and ringer volume adjust as claimed (see col. 6, lines 15-41).

Regarding claims **7-9, 13-15, 17-19, 21-23, 27-29, 32-34, 36-37**, the claims are interpreted and rejected for the same reason as set forth in claims 1-3 above, wherein it is clear that a transmitter, a memory, a processor or controller, and computer program are inherent items of the wireless communication terminals and the terminal control devices in Figs. 2A-2C, in order to perform the method as set forth in claims 1-3 above.

4. Claims **16, 20, 31, 35, 39** are rejected under 35 U.S.C. 102(b) as being anticipated by **Nakamura** (US Pat. Number **6,085,096**).

Regarding claim **16**, **Nakamura** discloses a method comprising:

- detecting the presence of a portable radio device within range of a radio frequency communications link (see col. 6, lines 13-25); and

sending a command to the portable radio device using the radio frequency communications link to change an internal setting of the portable radio device (see col. 6, lines 13-25), wherein the message comprises at least one of a text message, an audio message, and a simulated call (see col. 5, lines 15-35).

Regarding claims **20, 31, 35, 39**, the claims are interpreted and rejected for the same reason as set forth in claim 16 above, wherein it is clear that a transmitter, a memory, a processor or controller, and computer program are inherent items of the wireless communication terminals and the terminal control devices, in order to perform the method as set forth in claim 16 above.

5. Claims **1-2, 7-8, 13-14, 17-18, 21-22, 27-28, 32-33, 36-37** are rejected under 35 U.S.C. 102(e) as being anticipated by **Edstam** (US Pat. Number **6,718,175**).

Regarding claims **1-2, Edstam** discloses a method comprising:

detecting the presence of a portable radio device within range of a radio frequency communications link (see col. 3, lines 25-33); and

sending a command to the portable radio device using the radio frequency communications link to change an internal setting of the portable radio device (see col. 3, lines 34-46), wherein the internal setting comprises at least one of a text message, an audio message, a video message, power down, ringer off, and ringer volume adjust as claimed (see col. 6, lines 15-41).

Regarding claims **7-8, 13-14, 17-18, 21-22, 27-28, 32-33, 36-37**, the claims are interpreted and rejected for the same reason as set forth in claims 1-2 above, wherein it

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is clear that a transmitter, a memory, a processor or controller and computer program are inherent items of the wireless communication terminals and the terminal control devices, in order to perform the method as set forth in claims 1-2 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **3, 9, 15, 19, 23, 29, 34, 38** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Edstam**.

Regarding claims **3, 9, 15, 19, 23, 29, 34, 38**, **Edstam** would disclose all the claimed limitations, see claims 1-2 above, except for a query command from the control station. However, it is noted that since **Edstam** teaches that the stand alone device (control station) is arranged to force a mobile station or telephone entering a restricted area to register in the system (see col. 2, lines 5-10), one skilled in the art would recognize that a query message would obviously be used by the stand alone device in order to force the mobile station entering the restricted area to register in the system. Therefore, the claimed limitation regarding the query command is made obvious by **Edstam**, in order to force the mobile station to register in the system.

Allowable Subject Matter

8. Claims 4-6, 10-12, 24-26, 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 4, 10, 24, 30, the application directs to a non-obvious feature improvement over the cited prior art. The non-obvious feature comprises before sending/receiving the command, receiving a message from the control station to instruct a user to change the internal setting, waiting for a time interval, determining whether the user has changed the internal setting, and sending the command if the user has not changed the internal setting.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parupudi(US Pub. Number 2002/0119788), Context aware and location-aware cellular phones and method.

Shishino (US 6,108,563), Communication control apparatus for providing management and call control of mobile stations in radio communication system.

Nachtsheim et al (US 6,448,906), Wireless detection of electronic devices.

Oura (US 5,991,614), Utilization management system of portable telephone.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

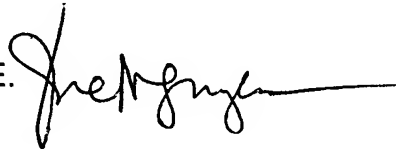
Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-
4177.

Duc M. Nguyen, P.E.

May 8, 2006

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', written over the printed name and date.